

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2127 OF 2026

Abhay Bijay Beero Applicant

V/s.

The State of Maharashtra ...Respondent

Ms. Mallika Sharma for the Applicant.
Mr. Mayur Sonawane for the Respondent – State.
Mr. Kiran Wagh, API, ANC, Worli, Mumbai, present.

CORAM: SHYAM C. CHANDAK, J.

DATED : 17th JUNE, 2026

- 1) Present Application seeks release of the Applicant/Accused No.1 on bail in C.R.No.21/2025 registered with ANC Worli Unit Police Station, Dist. Mumbai for the offences punishable under Sections 8(c) read with 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances (“**NDPS**”) Act, 1985 on the report filed by Mr. Mahesh Vishnu Jalke, the first informant.
- 2) Heard Ms. Sharma, learned Counsel for the Applicant and Mr. Sonawane, learned APP for the Respondent – State.
- 3) The prosecution case is that on 10/03/2025, at about 22:40 hours, when the patrolling team of ANC Unit, Worli arrived near building no.84, Railway Colony, Kurla (East), the Applicant and 3 others were present there. Their movements appeared suspicious. They were holding nylon bags and sacks. Therefore, police accosted the said persons and enquired with them one by one. Each of them disclosed that, there is *Ganja* in their bags and they

have come their to sell it. Therefore, police called two panchas and, in their presence, seized that *Ganja* as per the mandates of the law. The *Ganja* weighing total 22.200 kgs. was seized from the Applicant. Similarly, 22.500 kgs. *Ganja* was seized from A-2, 3.50 kgs. *Ganja* was seized from A-3 and 3 kgs. *Ganja* was seized from A-4. Thereafter, Mr. Mahesh Jalke, PSI filed the complaint, based on which aforesaid crime came to be registered and all the accused were arrested. On completion of investigation, charge-sheet came to be filed. The trial Court refused to release the Applicant on bail.

4) Ms. Sharma, learned Counsel for the Applicant has prayed for bail on two grounds. Firstly, she has submitted that the entire 22 kgs and 200 grams of substance seized from the Applicant is not *Ganja* because the leaves, seeds and dry vegetative floral parts need to be excluded from the alleged contraband/*Ganja*. On such exclusion, the *Ganja* allegedly seized would be lesser than the commercial quantity. Secondly, she has submitted that the Applicant is behind bars for more than 15 months. Yet, the charge is not framed. The Applicant has no antecedents. Therefore, the Applicant is entitled for bail.

5) In reply, Mr. Sonawane, learned APP submitted that the commercial quantity of *Ganja* has been seized from the Applicant. Considering the total quantity of *Ganja* seized in this case, it is apparent that the Applicant wanted to sell it. As such, there is a *prima facie* case against the Applicant. Therefore, and considering the bar of Section 37 of the N.D.P.S. Act, the Applicant is not entitled for bail.

6) I have considered these submissions. The submissions made by Ms. Sharma are supported with following Order cited by her :

- (i) Rajesh Sahu v State of Chattisgarh (arising out of SLP(crl.) No.10001/2025 decided on 01/09/2025 (SC)
- (ii) Rajadurai v State of Tamil Nadu SLP (Crl.) No.4729/2026(Order dated 05/05/2026)
- (iii) Rahim Karim Shaik v State of Maharastra (Criminal Bail Application No. BA/3037/2023) (Bom.HC) (Order dated 12/10/2023)
- (iv) Suraj Kantilal Bora v State of Maharashtra (Criminal Bail Application No. 803/2023) (Bom.HC) (Order dated 3/05/2023)

7) The sum and substance of the said Orders cited is that, leaves, seeds, and dry vegetative floral parts need to be excluded while computing the actual contraband *Ganja*.

8) In the case in hand, the Report of the C.A. reads that the samples A-1, A-3, A-5 and A-7 received from the police contained Flowering/flowering tops with leaves and stalks and it is *Ganja*. Thus, it is clear that the excluded parts leaves and stalks were also included while weighing the seized *Ganja* and sent to the C.A. of the analysis. As such, excluding the excluded parts, the *Ganja* allegedly seized may be lesser than the commercial quantity. The Applicant is in jail for last 15 months. Ms. Sharma submits that, yet, the charge is not framed. The trial will take considerable time. In case of Rajadurai (supra), The contraband involved was 22.950, The Petitioner Rajadurai was in jail for more than one year. Although charge was framed, no witness was examined till the said Order. Therefore, bail was granted.

9) In view thereof, the Applicant is entitled for bail. Hence, following Order :-

(i) The Applicant – Abhay Bijay Beero be released on bail in C.R.No.21/2025 registered with ANC Worli Unit Police Station, Dist. Mumbai for the offences punishable under Sections 8(c) read with 20(c) and 29 of the NDPS Act, on his executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at ANC Worli Unit Police Station, Mumbai on 1st day of each calender month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The Applicant shall not commit any offence.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and

they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

- 10) Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)